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F A X C O V E R P A G E

Date: October 10, 2005

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To: Examiner Ruixiang Li
USPTO

Fax: 571.273.8300
Phone:

From: Todd A. Holmbo

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Phone: 973.660.4414
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V I A F A X O N L Y

S/N 10/608,723

Filed: June 26, 2003

Title: Methods for Treating and Preventing Cardiac Arrhythmia

Attached please find a response to the Office Action dated 9/9/05 for the above-referenced application. Thank you.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006 OMB 0651-0032
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Effective on 12/08/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)**FEE TRANSMITTAL**
For FY 2005☒ Applicant claims small entity status See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 60

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | 10/608,723 |
| Filing Date | June 26, 2003 |
| First Named Inventor | Andrew R. Marks |
| Examiner Name | Ruixiang Li |
| Art Unit | 1646 |
| Attorney Docket No. | 37278-19CIP |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-1698 Deposit Account Name: Thelen Reid & Priest

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims | Fee (\$) | Fees Paid (\$) |
|--------------|--------------|----------|----------------|
|--------------|--------------|----------|----------------|

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fees Paid (\$) |
|---------------|--------------|----------|----------------|
|---------------|--------------|----------|----------------|

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fees Paid (\$) |
|--------------|--------------|--|----------|----------------|
|--------------|--------------|--|----------|----------------|

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): One Month Extension of Time

SUBMITTED BY

Signature

Name (Print/Type) Todd A. Holmud

Registration No.
(Attorney/Agent)

42,665

Telephone 973-660-4414

Date October 12, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 37278-19CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------|---|-----------------|-------------|
| Applicant(s): | Andrew R. Marks | Group Art Unit: | 1646 |
| Serial No: | 10/608,723 | Examiner: | Ruixiang Li |
| Filed: | June 26, 2003 | Customer No: | 55734 |
| Title: | METHODS FOR TREATING AND PREVENTING CARDIAC ARRHYTHMIA | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT (37 C.F.R. § 1.121) DATED SEPTEMBER 9, 2005 AND
REQUEST FOR ONE-MONTH EXTENSION OF TIME**

Sir:

This is submitted in response to the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) ("Notice") issued September 9, 2005 in connection with the above-identified application. A response to the Notice was originally due on October 9, 2005. Applicant hereby requests a one (1) month extension of time for filing this response. With the one-month extension of time, the response is due November 9, 2005. Accordingly, this response is being timely filed.

A replacement Amendments To The Claims section in accordance with 37 C.F.R. § 1.121 begins on page 2 and applicant's remarks begin on page 5.

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